



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
May 19, 2003**

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PW:pw

The meeting was called to order at 9:30 a.m., with all Members being present, and with Chairman Hanley presiding.

Others present were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant to the County Executive; Christina M. Manning, Assistant to the County Executive; Nancy Vehrs, Clerk to the Board of Supervisors; and Patti M. Hicks, Deputy Clerk to the Board of Supervisors.

BOARD MATTER

1. **MOMENT OF SILENCE** (Tape 1)

Chairman Hanley asked everyone to remember in thoughts and prayers the family and friends of Police Officer Robert Harrison, Franconia Station, who died last week.

Chairman Hanley asked everyone to remember in thoughts and prayers the family of Edward L. Long, Chief Financial Officer, on the recent death of his mother.

Chairman Hanley asked everyone to remember in thoughts and prayers the family of Colonel T.W. Williams, Commander, Fort Belvoir Station, on the recent death of his wife, Darlene.

Chairman Hanley asked everyone to continue to remember in thoughts and prayers those around the world who are defending freedom and their families and friends here at home.

AGENDA ITEMS2. **ORDERS OF THE DAY** (Tape 1)

Chairman Hanley announced that there would be a change in the Orders of the Day and that Information Item I-1 – Certification as a Virginia Department of Criminal Justice Services Certified Crime Prevention Community would be heard during presentations so that the police officers could attend a funeral.

(NOTE: Later in the meeting this item was heard. See Clerk's Summary Item CL#4.)

3. **CERTIFICATE OF RECOGNITION PRESENTED TO MARSHALL HIGH SCHOOL'S THEATER DEPARTMENT** (Tape 1)

Supervisor Mendelsohn moved approval of the Certificate of Recognition presented to Marshall High School's theater department. Supervisor Connolly seconded the motion and it carried by unanimous vote.

4. **I-1 – CERTIFICATION AS A VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES CERTIFIED CRIME PREVENTION COMMUNITY** (Tape 1)

Chairman Hanley called the Board's attention to an item contained in the Board Agenda dated May 19, 2003, announcing that Fairfax County is one of only eight localities in Virginia certified as a crime prevention community by the Virginia Department of Criminal Justice Services. Discussion ensued with input from Police Officer Alan Kivi.

5. **RESOLUTION OF RECOGNITION PRESENTED TO TOWER CENTER MERCHANTS ASSOCIATION** (Tape 1)

Supervisor Kauffman moved approval of the Resolution to recognize the Tower Center Merchants Association and the fiftieth anniversary of the Tower Center Shopping Center. Supervisor McConnell seconded the motion and it carried by unanimous vote.

6. **CERTIFICATE OF RECOGNITION PRESENTED TO OLIVET EPISCOPAL CHURCH** (Tape 1)

Supervisor Kauffman moved approval of the Certificate of Recognition presented to Olivet Episcopal Church for its 150th anniversary. Supervisor Hyland seconded the motion and it carried by unanimous vote.

ADDITIONAL BOARD MATTER7. **WELCOME TO INTERNS** (Tape 1)

Supervisor Hudgins introduced Sara Palmer, Intern, Hunter Mill District Office, and welcomed her to the Board Auditorium.

Supervisor Kauffman introduced Lindsay Congleton, Intern, Lee District Office, and welcomed her to the Board Auditorium.

Chairman Hanley introduced Jonathan Kelly, Intern, Chairman's Office, and welcomed him to the Board Auditorium.

AGENDA ITEMS8. **10:00 A.M. – APPOINTMENTS TO CITIZENS BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (Tape 1)

(APPTS)
(BACs)

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD (ASAP)

The Board deferred the appointment of the At-Large #5 Representative to the Alcohol Safety Action Program Local Policy Board.

ATHLETIC COUNCIL

The Board deferred the appointment of the Lee District Alternate Representative and the Women's Sports Association Alternate Representative to the Athletic Council.

AUDIT COMMITTEE

The Board deferred the appointment of the At-Large #1 Representative to the Audit Committee.

COMMISSION ON AGING

Chairman Hanley moved the reappointment of Ms. Mary Frances McWhorter as the At-Large Chairman's Representative to the Commission on Aging. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Supervisor Bulova moved the reappointment of Ms. Theresa Adcock Gaffney as the Braddock District Representative to the Commission on Aging. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Supervisor Mendelsohn moved the reappointment of Ms. Ellamae S. Doyle as the Dranesville District Representative to the Commission on Aging. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Supervisor Connolly moved the appointment of Ms. Bridget M. Jennison as the Providence District Representative to the Commission on Aging. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor McConnell moved the reappointment of Ms. Sally S. Hottle as the Springfield District Representative to the Commission on Aging. Chairman Hanley seconded the motion, which carried by unanimous vote.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

The Board deferred the appointments of the At-Large (Minority) Representative and the Sully District Representative to the Commission on Organ and Tissue Donation and Transplantation.

COMMUNITY ACTION ADVISORY BOARD

Supervisor Hudgins moved the appointment of the Reverend Clarence W. Davis to fill the unexpired term of Ms. Pauline M. Moore as the Hunter Mill District Representative to the Community Action Advisory Board. Supervisor Connolly and Supervisor Hyland jointly seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the At-Large Chairman's Representative and the Dranesville District Representative to the Community Action Advisory Board.

CONSUMER PROTECTION COMMISSION

The Board deferred the appointments of the Fairfax County Resident #7 and #12 Representatives to the Consumer Protection Commission.

CRIMINAL JUSTICE ADVISORY BOARD

The Board deferred the appointments of the Braddock, Mason, and Springfield District Representatives to the Criminal Justice Advisory Board.

ENVIRONMENTAL QUALITY ADVISORY COUNCIL

The Board deferred the appointment of the Hunter Mill District Representative to the Environmental Quality Advisory Council.

FAIRFAX AREA DISABILITY SERVICES BOARD

The Board deferred the appointment of the Sully District Representative to the Fairfax Area Disability Services Board.

FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL**CONFIRMATIONS:**

Supervisor Hudgins moved the confirmation of the following appointments to the Fairfax Community Long Term Care Coordinating Council:

- Mr. Charles Greenfield as a Business Representative
- Ms. Sarah Stark Parks as a Business Representative
- Mr. Kurt A. Pfluger as a Business Representative

Supervisor Connolly seconded the motion, which carried by unanimous vote.

FAIRFAX COUNTY CONSTRUCTION TRADES ADVISORY BOARD

The Board deferred the appointments of the Gas Fitter Tradesman, HVAC Tradesman #1 and #2, and Plumbing Tradesman #1 and #2 Representatives to the Fairfax County Construction Trades Advisory Board.

Chairman Hanley noted that the Board was still awaiting background information regarding this advisory board.

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

The Board deferred the appointment of the At-Large #1 Chairman's Representative to the Fairfax-Falls Church Community Services Board.

HEALTH CARE ADVISORY BOARD

The Board deferred the appointment of the Sully District Representative to the Health Care Advisory Board.

Chairman Hanley noted that a town meeting on health care was held last week and was cablecast on Channel 16. Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to rebroadcast the meeting. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Supervisor Frey noted that Ms. Judy Beattie resigned her seat as the Sully District Representative to the Health Care Advisory Board because she was appointed to the Virginia State Health Care Advisory Board.

HISTORY COMMISSION

The Board deferred the appointment of the Citizen/Minority Representative to the History Commission.

HUMAN RIGHTS COMMISSION

The Board deferred the appointment of the At-Large #7 Representative to the Human Rights Commission.

HUMAN SERVICES COMMISSION

The Board deferred the appointment of the Mason District #2 Representative to the Human Services Commission.

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

The Board deferred the appointments of the At-Large Chairman's Representative and the Hunter Mill District Representative to the Oversight Committee on Drinking and Driving.

POLICE OFFICERS RETIREMENT SYSTEM BOARD

The Board deferred the appointment of the Citizen At-Large #2 Representative to the Police Officers Retirement System Board.

TENANT LANDLORD COMMISSION

The Board deferred the appointments of the Condominium Owner and Tenant Member #3 Representatives to the Tenant Landlord Commission.

TRANSPORTATION ADVISORY COMMISSION

The Board deferred the appointment of the Sully District Representative to the Transportation Advisory Commission.

(NOTE: Later in the meeting, the Board made additional appointments. See Clerk's Summary Items CL#27 and CL#34.)

DS:ds

9. **ADMINISTRATIVE ITEMS** (Tape 2)

Supervisor Connolly moved approval of the Administrative Items. Supervisor Hyland seconded the motion.

Supervisor Frey asked to amend the motion to consider Admin 8 separately, and this was accepted.

Supervisor Kauffman called the Board's attention to Admin 9 – Authorization to Advertise Public Hearings and a Proposed Comprehensive Plan Amendment, and Proposed Amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Regarding Mobile and Land Based Telecommunication Facilities. Discussion ensued with input from David B. Marshall, Assistant Planning Division Director, Department of Planning and Zoning (DPZ); Anthony H. Griffin, County Executive; and Lorrie Kirst, Deputy Zoning Administrator for Ordinance Administration Branch, DPZ.

Supervisor Hyland asked to amend the motion that the Board direct the Planning Commission to include language requiring the removal of cell towers when it is determined they are obsolete. This was accepted.

Supervisor Connolly called the Board's attention to Admin 11 – Supplemental Appropriation Resolution (SAR) AS 03096 for the Health Department's Family Planning Grant and asked unanimous consent that the Board direct staff, in the future, to provide more detail on these types of items. Without objection, it was so ordered. Discussion ensued with input from Anthony H. Griffin, County Executive.

The question was called on the motion, as amended, with the exception of Admin 8 and it carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE."

ADMIN 1 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX I (FAIRFAX COUNTY SPECIAL SERVICE DISTRICT FOR THE CONTROL OF INFESTATIONS OF GYPSY MOTHS, CANKERWORMS, AND CERTAIN IDENTIFIED PESTS)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 16, 2003, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix I (Fairfax County Special Service District for the Control of Infestations of Gypsy Moths, Cankerworms, and Certain Identified

Pests), to allow for the control of infestations of insects that may carry a disease that is dangerous to humans.

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTION 82-1-6, ADOPTION OF STATE LAW

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 16, 2003, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Section 82-1-6, Adoption of State Law, adopting actions of the 2003 General Assembly.

ADMIN 3 – STREETS INTO THE SECONDARY SYSTEM (DRANESVILLE DISTRICT)

- (R) Approved the request that the streets listed below be accepted into the State Secondary System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
M.T.O. Shahmaghsoudi	Dranesville	Leesburg Pike Route 7 Additional ROW Only

ADMIN 4 – INSTALLATION OF A MULTI-WAY STOP AT TIDDLE WAY AND SILVER ANN DRIVE (MOUNT VERNON DISTRICT)

- Endorsed the installation of a multi-way stop as part of the Fairfax County Department of Transportation's Residential Traffic Administration Program at Tiddle Way and Silver Ann Drive.
- Directed staff to request the Virginia Department of Transportation to install the necessary signs at the earliest possible date.

ADMIN 5 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 87-A-017, LITTLE RIVER GLEN (BRADDOCK DISTRICT)

- (AT) Approved the request for 12 months of additional time to commence construction for Special Exception Amendment Application SEA 87-A-017 to March 9, 2004, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 6 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING VEHICLE RENTAL ESTABLISHMENTS

- (A) (R) Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on June 11, 2003, and before the Board on **July 7, 2003, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), to allow vehicle rental establishments, subject to limitations, in the PDC District and Convention/Conference Center area of a PRC District with development plan or special exception approval.

ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M (RESTRICTED PARKING DISTRICTS), ESTABLISHING THE CABELL'S MILL RESTRICTED PARKING DISTRICT (RPD), AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (SULLY DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 16, 2003, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M (Restricted Parking Districts), establishing the Cabell's Mill RPD, as part of R-TAP. The parking prohibition for watercraft, boat trailers, motor homes, and camping trailers on the streets identified below is proposed to be in effect seven days per week, 24 hours per day. The proposed RPD encompasses the following:

- Northbourne Drive, from Cabell's Mill Drive to the eastern property line of address numbers 13700 and 13701
- The entire lengths of the following roads:
 - Ashcomb Court
 - Baywood Court
 - Broad Brook Court
 - Cabell's Mill Drive
 - Choptank Court
 - Darrington Way
 - Eastcliff Circle

- Edgecomb Court
- Ellicott Court
- Ellicott Drive
- Frankford Circle
- Indian Rock Road
- Jarrett Court
- Nanticoke Court
- Rushbrook Drive

ADMIN 8 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING PORTABLE SIGNS

(NOTE: Later in the meeting the Board took action regarding this item. See Clerk's Summary Item CL#10.)

ADMIN 9 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON A PROPOSED COMPREHENSIVE PLAN AMENDMENT AND PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING MOBILE AND LAND BASED TELECOMMUNICATION FACILITIES

(A) (R) (NOTE: Earlier in the meeting additional action was taken regarding this item. See page 7.)

Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on June 18, 2003, and before the Board on **August 4, 2003, at 4 p.m.** to consider a proposed Comprehensive Plan amendment and proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), to revise the mobile and land based telecommunication provisions and review processes as recommended by the Countywide Telecommunications Task Force.

ADMIN 10 – AUTHORIZATION FOR THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) TO APPLY TO THE US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR THE RESIDENT OPPORTUNITIES AND SELF-SUFFICIENCY (ROSS) NEIGHBORHOOD NETWORKS PROGRAM, HOUSING CHOICE VOUCHER FAMILY SELF-SUFFICIENCY COORDINATOR PROGRAM, AND THE MAINSTREAM HOUSING OPPORTUNITIES FOR PERSONS WITH DISABILITIES

Authorized FCRHA to apply for the following grant funds from HUD:

- ROSS Neighborhood Networks Program grant funds in the amount of \$250,000 to increase the use of computer technology, reduce welfare dependency, promote economic self-sufficiency; improve human development, provide opportunities for job training and development, expand educational opportunities for residents, develop access to health and nutrition information, and empower the clients they serve. A 25 percent in-kind or cash match will be provided by HCD in-kind contributions of supplies and office space, volunteer and staff time leverages through a non-profit partner, and other supplies and services to be leveraged through private contributions.
- Housing Choice Voucher Family Self-Sufficiency Coordinator Program grant funds in the amount of \$62,500 to enable public housing authorities to have a coordinator to increase the number of Housing Choice Voucher families participating in the Family Self-Sufficiency program. No local cash match is required.
- Mainstream Housing Opportunities for Persons with Disabilities Program grants (50 vouchers) to provide housing vouchers and coordinated support services for persons with disabilities. No local cash match is required.

ADMIN 11 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 03096 FOR THE HEALTH DEPARTMENT'S FAMILY PLANNING GRANT

(SAR) (NOTE: Earlier in the meeting additional action was taken regarding this item. See page 7.)

Approved SAR AS 03096 in the amount of \$30,000 for FY 2004 Grant funds under the Family Planning Grant to allow the Health Department to continue to do PAP smears. No local cash match is required.

10. **ADMIN 8 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING PORTABLE SIGNS** (Tape 2)

(A)(R) (NOTE: Earlier in the meeting the board deferred action on this item. See Clerk's Summary Item CL#9.)

Supervisor Frey moved:

- Adoption of the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on June 19, 2003, and before the Board on **July 7, 2003, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), to revise the portable sign provisions.
- That the Board direct staff to draft and advertise an option to include an administrative review, in addition to the option for a variance, for lots that can't meet the 25-foot setback requirement.

Supervisor Connolly seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE."

11. **A-1 – APPROVAL OF REVISIONS TO PERSONNEL REGULATIONS IMPLEMENTING PAY FOR PERFORMANCE CHANGES FOR FISCAL YEAR (FY) 2004** (Tape 2)

On motion of Supervisor Gross, jointly seconded by Supervisor Bulova and Supervisor Hyland, and **CARRIED** by a recorded vote of eight, Supervisor Frey and Supervisor Hudgins voting "NAY," the Board concurred in the recommendation of staff and approved the proposed revisions to Chapter 4 of the Personnel Regulations implementing the reduction in pay for performance salary increases and bonuses for FY 2004.

12. **A-2 – AUTHORIZATION TO AMEND 1) THE ROUTE ONE REHABILITATION DISTRICT, 2) THE SOUTHEAST FAIRFAX DEVELOPMENT CORPORATION FACADE IMPROVEMENT CONTRACT, AND 3) THE MASTER DEVELOPMENT AGREEMENT FOR THE SOUTH COUNTY CENTER; AND APPROVAL OF 1) THE RICHMOND HIGHWAY FACADE IMPROVEMENT PROGRAM AND 2) FUNDING FOR ADMINISTRATIVE IMPLEMENTATION OF THE PROGRAM (LEE AND MOUNT VERNON DISTRICTS)** (Tape 2)

Supervisor Hyland moved that the Board concur in the recommendation of staff and:

- Adopt the Resolution to amend the Route One Rehabilitation District.
- Authorize the proposed Southeast Fairfax Development Corporation Facade Improvement contract.
- Authorize the proposed development agreement for the South County Center.
- Approve the Richmond Highway Facade Improvement Program.
- Approve funding in the amount of \$60,000 for administrative implementation of the Richmond Highway Facade Improvement Program, from Fund 340, Housing Assistance Program, Project 014103, Richmond Highway Facade Improvement Program.

Supervisor Kauffman seconded the motion.

Following discussion with input from Cynthia J. Ianni, Senior Program Manager, Office of Revitalization, Department of Housing and Community Development, the Board deferred action on this item until later in the meeting.

(NOTE: Later in the meeting the Board took action on this item. See Clerk's Summary Item CL#37.)

13. **A-3 – APPROVAL OF PROJECT AGREEMENT FOR THE WEST FALLS CHURCH/UVA-VT METRORAIL STATION PARKING EXPANSION (DRANESVILLE DISTRICT)** (Tape 2)

On motion of Supervisor Mendelsohn, seconded by Supervisor Connolly, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved, in substantial form, the Project Agreement for the West Falls Church/UVA-VT Metrorail Station Parking Expansion.

14. **A-4 – FAIRFAX COUNTY'S COMMENTS REGARDING THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY'S (WMATA) PROPOSED FISCAL YEAR (FY) 2004 OPERATING BUDGET, CAPITAL IMPROVEMENT PROGRAM, AND RAIL CAPITAL PROGRAM BUDGET** (Tape 2)

Supervisor Kauffman moved that the Board concur in the recommendation of staff and:

- Endorse the comments contained in the Board Agenda Item dated May 19, 2003.
- Direct staff to transmit the comments to WMATA.

Supervisor Hyland seconded the motion.

Discussion ensued with input from Todd Wigglesworth, Senior Transportation Planner, Coordination and Funding Section, Department of Transportation.

Supervisor Hudgins asked unanimous consent that the Board direct staff to make a better effort to explain the fare passes. Without objection, it was so ordered.

The question was called on the motion and it carried by unanimous vote.

15. **I-1 – CERTIFICATION AS A VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES CERTIFIED CRIME PREVENTION COMMUNITY** (No Tape)

(Earlier in the meeting action was taken regarding this item. See Clerk's Summary Item CL#4.)

16. **I-2 – CONTRACT AWARD – OAK MARR RECENTER IMPROVEMENTS (PROVIDENCE DISTRICT)** (Tape 2)

The Board next considered an item contained in the Board Agenda dated May 19, 2003, requesting authorization for staff to award a contract to C. V. Carlson Company, Incorporated, in the amount of \$584,000 for construction of improvements at Oak Marr RECenter, funded by Project 474498, Infrastructure Renovation, in Fund 370, Park Authority Bond Construction; Project 474698, Trails and Stream Crossings, in Fund 370, Park Authority Bond Construction; and Project 004748, General Park Improvements, in Fund 371, Park Capital Improvement.

The staff was directed administratively to proceed as proposed.

17. **I-3 – THE NATIONAL ASSOCIATION OF COUNTY INFORMATION OFFICERS (NACIO) TO PRESENT SIX NATIONAL AWARDS TO FAIRFAX COUNTY** (Tape 2)

The Board next considered an item contained in the Board Agenda dated May 19, 2003, announcing that six Fairfax County programs have been recognized in the annual NACIO Awards of Excellence competition, which featured over 500 entries from local, state, and federal jurisdictions from around the country. The 2003 Fairfax County NACIO Awards of Excellence Competition winners are as follows:

- Park Authority – for its 2002 Fairfax County Park Foundation Annual Report (Annual Reports, Other Format Category) – Excellent Award
- Reston Community Center Communications Department, for its Reston Multicultural Festival (Special Projects, Community Events Category) – Excellent Award
- Office of Public Affairs, for its NewsLink daily e-mail newsletter for County employees (Internal Publications, Newsletter Format Category) – Excellent Award
- Fire and Rescue Department Public Information and Life Safety Education, for its publication Line Copy (Internal Publications, Magazine Format Category) – Meritorious Award
- Fire and Rescue Department Public Information and Life Safety Education, for its 2002 Annual Report and 2003 Calendar (Annual Reports, Other Format Category) – Meritorious Award
- Office of Public Affairs, the Office of the County Executive, and the Laurel Hill Ceremony Committee, for its Laurel Hill Razor Wire Cutting Ceremony (Special Projects, Ceremonies Category) – Meritorious Award

18. **I-4 – CONTRACT AWARD – OPEN-END CONTRACTS FOR CULTURAL LANDSCAPE REPORT CONSULTANT SERVICES** (Tape 2)

The Board next considered an item contained in the Board Agenda dated May 19, 2003, requesting authorization for staff to award open-end contracts, in an amount not to exceed \$150,000 each, for Cultural Landscape Report Consultant Services to the following companies:

- Rhodeside and Harwell, Incorporated, Alexandria, Virginia
- John Milner Associates, Incorporated, Charlottesville, Virginia

The staff was directed administratively to proceed as proposed.

ADDITIONAL BOARD MATTERS

NV:nv

19. **AMERICAN RED CROSS CAMPAIGN** (Tape 3)

Chairman Hanley stated that the American Red Cross Month Greater Chesapeake and Potomac Blood Services Region has requested that the County support the area campaign to increase blood collections by 20 percent during the period of May through November. Accordingly, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved that the Board direct staff to:

- Prepare a Resolution of Support for "Save a Life Season" in Fairfax County.
- Invite the appropriate representatives from the American Red Cross to appear before the Board at the June 2, 2003, meeting to receive it.

Following a brief discussion, with input from Merni Fitzgerald, Director, Office of Public Affairs, Supervisor Hudgins seconded the motion, and it carried by unanimous vote.

20. **UNITED STATES (US) ARMY PROCLAMATION** (Tape 3)

Chairman Hanley announced that, in conjunction with Celebrate Fairfax! activities, the US Army Fife and Drum Corps will perform at the Board meeting on June 2, 2003. Accordingly, she moved that the Board direct staff to prepare a proclamation for presentation to recognize June 2, 2003, as "US Army Day" in Fairfax County. Supervisor Connolly seconded the motion, which carried by unanimous vote.

21. **RECOGNITION OF LORDS AND LADIES FAIRFAX AS PART OF CELEBRATE FAIRFAX!** (Tape 3)

To acknowledge the individual Lords and Ladies Fairfax, Chairman Hanley moved that the Board direct staff to invite the appropriate individuals to appear before the Board on June 2, 2003, to receive certificates of recognition. Supervisor Connolly seconded the motion, which carried by unanimous vote.

22. **RESPONSIBLE FATHERHOOD WEEK** (Tape 3)

Chairman Hanley announced that the Office of the Sheriff, in conjunction with many court-related agencies, developed a program to promote healthy families by encouraging responsible fatherhood. Accordingly, she moved that the Board direct staff to invite the appropriate representatives to appear before the Board on June 16, 2003, to receive a proclamation declaring June 15-21, 2003, as "*Responsible Fatherhood Week*" in Fairfax County. Supervisor Connolly seconded the motion, which carried by unanimous vote.

23. **FAIRFAX COUNTY RECOGNIZED FOR EXCELLENCE IN PROCUREMENT** (Tape 3)

Chairman Hanley noted that the County was recognized for excellence in procurement and received the National Institute of Governmental Purchasing Outstanding Agency Accreditation Achievement Award.

24. **BOND SALE** (Tape 3)

Chairman Hanley reminded Board Members that the Board authorized the sale of bonds at a previous meeting. On May 15 the County sold \$206.4 million of bonds and achieved \$9.954 million in savings because of the AAA bond ratings. The bonds were sold at a rate of 3.626 percent, the lowest rate since 1975.

Anthony H. Griffin, County Executive, briefed the Board on the sale and the fact that the County achieved lower interest rates than other AAA-rated localities.

Chairman Hanley also pointed out that staff distributed to the Board copies of a summary book of the presentation made to the bond rating agencies.

Discussion continued briefly, with input from Mr. Griffin.

25. **COVERAGE OF COUNTY CEREMONIES** (Tape 3)

Chairman Hanley asked unanimous consent that the Board refer to the Office of Public Affairs a letter that she had received from a constituent regarding coverage of ceremonies honoring County citizens. The Police Department holds such ceremonies, but they are not taped or shown on the County's Cable Channel 16. Without objection, it was so ordered.

26. **LANDSCAPING AT THE GOVERNMENT CENTER** (Tape 3)

Chairman Hanley stated that she had received a letter from a constituent who noticed that the Board eliminated a three-person landscape team for the Government Center as part of budget reductions for Fiscal Year 2004. The constituent pointed out that this action presented an opportunity for a review of

the maintenance of the Government Center grounds and to make them less formal and lower maintenance.

Accordingly, Chairman Hanley referred this letter to staff for review and recommendation. Without objection, it was so ordered.

Anthony H. Griffin, County Executive, indicated that staff was reviewing this issue along with the possible use of volunteer groups to maintain the flower beds.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

27. **APPOINTMENTS TO THE GOVERNING BOARD OF THE MCLEAN COMMUNITY CENTER (DRANESVILLE DISTRICT)** (Tape 3)

(APPTS) (NOTE: Earlier in the meeting the Board made additional appointments. See Clerk's Summary Item CL#8.)

Supervisor Mendelsohn moved the appointment of the following individuals to the Governing Board of the McLean Community Center as a result of the preference poll held on May 17, 2003:

Adult candidates:

- Mr. Dale Evans - 3 year term
- Ms. Evelyn Fox - 3 year term
- Ms. Teresa Rodriguez - 3 year term

Youth candidates:

Langley High School area:

- Ameen Shallal - one-year term

McLean High School area:

- Corey Sullivan - one-year term

Supervisor Connolly seconded the motion, which carried by a vote of nine, Supervisor Frey being out of the room.

(NOTE: Later in the meeting the Board made an additional appointment. See Clerk's Summary Item CL#34.)

28. **CONCURRENT AND EXPEDITED PROCESSING FOR AMENDMENT TO REZONING APPLICATION RZ 1998-DR-049 (DRANESVILLE DISTRICT)** (Tape 3)

Supervisor Mendelsohn stated that Hampstead Village LLC - Evans Farm is the applicant for an amendment to Rezoning Application RZ 1998-DR-049. The property is located at Tax Map Number 30-1((01)) Parcels 37, 38, 39, 41, 42, and 42B. With reference to his written Board Matter, he said that the applicant desires some minor modifications to its approved Conceptual Development Plan/Final Development Plan that will not increase the number of units or decrease the amount of open space.

Accordingly, Supervisor Mendelsohn moved that the Board direct staff of the Department of Public Works and Environmental Services and the Department of Planning and Zoning to proceed with concurrent and expedited processing of this application. He noted that this motion does not relieve the applicant from compliance with the provisions of any and all applicable ordinances, regulations, or adopted standards, and does not constitute support by the Board for the rezoning application. The applicant recognizes the risks involved in proceeding this way.

Supervisor Connolly seconded the motion, which carried by a vote of nine, Supervisor Frey being out of the room.

29. **ATHLETIC FIELDS** (Tape 3)

Supervisor Mendelsohn called the Board's attention to his written Board Matter regarding the \$300,000 matching athletic field improvement program designed to provide opportunities for sports organizations to improve field conditions on middle school and elementary school fields. He noted that the program is limited to school sites only, but some park properties could benefit from those remaining funds.

Accordingly, as a revenue-neutral adjustment, Supervisor Mendelsohn moved that the Board expand the use of the remaining funds in the \$300,000 matching funds program for athletic field improvements to include park fields, when appropriate, and to include field lighting as an allowable improvement. Supervisor McConnell seconded the motion.

Following discussion, Supervisor Mendelsohn clarified that the process for approving lights would not change.

The question was called on the motion, as clarified, which carried by a vote of nine, Supervisor Frey being out of the room.

30. **NO BOARD MATTERS FOR MASON DISTRICT SUPERVISOR GROSS**
(Tape 3)

Supervisor Gross announced that she had no Board Matters to present today.

31. **GARFIELD ELEMENTARY SCHOOL CELEBRATES 50 YEARS (LEE DISTRICT)** (Tape 3)

Supervisor Kauffman noted that Garfield Elementary School will celebrate its fiftieth anniversary in October. The celebration will include current students and their families as well as all alumni from its 50 years as a community school and the entire community.

Accordingly, Supervisor Kauffman moved that the Board direct staff of the Office of Public Affairs to invite Dr. Judith A. Thompson, Principal, and other Garfield Elementary School teachers, parents, and children to appear before the Board at a future meeting for formal recognition. Supervisor Hyland seconded the motion, which carried by unanimous vote.

DMB:dmb

32. **NO BOARD MATTERS FOR HUNTER MILL DISTRICT SUPERVISOR HUDGINS** (Tape 4)

Supervisor Hudgins announced that she had no Board Matters to present today.

33. **SCHEDULING OF REZONING APPLICATION RZ 2003-PR-016 (PROVIDENCE DISTRICT)** (Tape 4)

Supervisor Connolly said that Ernest and Eileen DeMarco submitted a rezoning application to subdivide their property into two lots. Their application, which was submitted in January 2003, has been accepted and identified by the County as Rezoning Application RZ 2003-PR-016. He said that, unfortunately, the Planning Commission will not hear this case until September. Since the Board will not hear any land use cases after October due to the election, the DeMarcos are concerned that their case may not be heard by the Board until 2004.

Therefore, Supervisor Connolly moved that the Board direct the Director of the Department of Planning and Zoning to schedule Rezoning Application RZ-2003-PR-016 for a public hearing before the Board for a date certain before the Board ceases to hear land use cases in October of 2003. Supervisor Hudgins seconded the motion and it carried by unanimous vote.

PMH:pmh

34. **APPOINTMENT TO THE NON-MOTORIZED TRANSPORTATION ("TRAILS") COMMITTEE** (Tape 5)

(APPT) (NOTE: Earlier in the meeting the Board made additional appointments. See Clerk's Summary Items CL#8 and CL#27.)

Supervisor Bulova announced that there is a vacancy on the Non-Motorized Transportation Committee.

Therefore, Supervisor Bulova moved the appointment of Mr. Michael Brennan as the Braddock District Representative to the Non-Motorized Transportation ("Trails") Committee. Supervisor Connolly seconded the motion and it carried by unanimous vote.

35. **THE MICHAEL RICCIARDI PROPERTY** (Tape 5)

Supervisor Frey said that a few weeks ago, the Board authorized the Clifton Road Roadway Improvement Plan, Plan Number 008802. Mr. Michael Ricciardi is an adjacent, affected property owner, who has an approved development plan which would be impacted by the acquisition plans for the improvement project. Supervisor Frey said that he met with Mr. Ricciardi and staff recently and Mr. Ricciardi indicated that he is preparing a rezoning application for additional adjacent property. He is willing to work with staff to design and dedicate property in conformance with the roadway plan. Staff has indicated that they are moving forward with plans and expect to be in the acquisition phase in September.

Therefore, Supervisor Frey moved that the Board:

- Direct staff to expedite the zoning process for the Ricciardi property.
- Authorize concurrent processing of site and subdivision plans for the site.

This motion does not relieve the applicant from complying with all regulations, ordinances, or standards and does not prejudice the consideration of the application in any way. Supervisor Hudgins seconded the motion and it carried by unanimous vote.

36. **FAIRFAX CENTER (SPRINGFIELD DISTRICT)** (Tape 5)

Supervisor McConnell said that Camden has been processing a proffered condition amendment application/final development plan application for a 7.4 acre property in Fairfax Center. The applicant has worked closely with staff

to resolve issues and questions related to the application.

Supervisor McConnell noted that Camden is eager to proceed on this project, which will permit the development of a uniquely designed multi-family project. The applicant has already completed months of preliminary work and will continue to work closely with staff as the application is reviewed.

Supervisor McConnell moved that the Board direct staff to schedule a public hearing to be held before the Board regarding Proffered Condition Amendment Application/Final Development Plan Application PCA/FDPA 84-P-101-03 at its September 29, 2003, meeting. This motion does not relieve the applicant from complying with all regulations, ordinances, or adopted standards and does not prejudice the consideration of this application in any way. Supervisor Bulova seconded the motion and it carried by unanimous vote.

AGENDA ITEM

37. **A-2 – AUTHORIZATION TO AMEND 1) THE ROUTE ONE REHABILITATION DISTRICT, 2) THE SOUTHEAST FAIRFAX DEVELOPMENT CORPORATION FACADE IMPROVEMENT CONTRACT, AND 3) THE MASTER DEVELOPMENT AGREEMENT FOR THE SOUTH COUNTY CENTER; AND APPROVAL OF 1) THE RICHMOND HIGHWAY FACADE IMPROVEMENT PROGRAM AND 2) FUNDING FOR ADMINISTRATIVE IMPLEMENTATION OF THE PROGRAM (LEE AND MOUNT VERNON DISTRICTS)** (Tape 5)

- (R) (NOTE: Earlier in the meeting the Board deferred action on this item. See Clerk's Summary Item CL#12.)

Following discussion, with input from Rick Neel, President, Southeast Fairfax Development Corporation, the question was called on the motion that the Board concur in the recommendation of staff and:

- Adopt the Resolution to amend the Route One Rehabilitation District,
- Authorize the proposed Southeast Fairfax Development Corporation Facade Improvement contract,
- Authorize the proposed development agreement for the South County Center,
- Approve the Richmond Highway Facade Improvement Program,
- Approve funding in the amount of \$60,000 for administrative implementation of the Richmond Highway Facade Improvement Program, from Fund 340, Housing Assistance Program,

Project 014103, Richmond Highway Facade Improvement Program,

and it **CARRIED** by a recorded vote of nine, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, and Chairman Hanley voting "AYE," Supervisor Mendelsohn voting "NAY."

38. **RECESS/CLOSED SESSION** (Tape 5)

At 11:10 a.m., Supervisor Connolly moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in *Virginia Code* Section 2.1-344 and listed in the agenda for this meeting as follows:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A)(1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A)(3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A)(7).
 - 1. *Avalon Assisted Living Facilities, Inc. v. Zofia A. Zager*, Record No. 0778-02-4, and *State Building Code Technical Review Board v. Zofia A. Zager*, Record No. 0820-02-4 (Va. Ct. App.) (Dranesville District)
 - 2. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Mohammed J. Abdlahez*, In Chancery No. 178786 (Fx. Co. Cir. Ct.) (Mason District)
 - 3. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Susan C. Beck and Louis Kobus, Jr.*, In Chancery No. 173551 (Fx. Co. Cir. Ct.) (Lee District)

4. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Joseph G. Bonzano*, In Chancery No. 179735 (Fx. Co. Cir. Ct.) (Lee District)

This motion, the second to which was inaudible, carried by unanimous vote.

DS:ds

At 2:50 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Hanley presiding.

ACTIONS FROM CLOSED SESSION

39. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (Tape 6)

Supervisor Bulova moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Supervisor Kauffman seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE."

ADDITIONAL BOARD MATTER

40. **WELCOME TO BOY SCOUT TROOP 1540 FROM NAVY ELEMENTARY SCHOOL** (Tape 8)

Supervisor Frey recognized the presence of members of Boy Scout Troop 1540 from Navy Elementary School. On behalf of the Board, Supervisor Frey warmly welcomed Troop 1540 to the Board Auditorium.

ADDITIONAL ACTION FROM CLOSED SESSION

41. **APPOINTMENT OF KAREN L. WOODWARD TO EXECUTIVE DIRECTOR, CIVIL SERVICE COMMISSION** (Tape 6)

Supervisor Gross moved the appointment of Ms. Karen L. Woodward to the position of Executive Director, Civil Service Commission, at Grade E-6 at a salary of \$78,000 effective May 31, 2003. Supervisor Connolly seconded the motion and it carried by unanimous vote.

ADDITIONAL BOARD MATTERS

PMH:pmh

42. RETROACTIVE WAIVER REQUESTED (MOUNT VERNON DISTRICT)
(Tape 6)

Supervisor Hyland said that his office was recently contacted by the Campagna Center which is planning to hold its annual fundraiser, the 33rd Toast to Alexandria, at Collingwood-on-the-Potomac on May 18. He added that because there are 24 area participating restaurants involved in the event, the Campagna Center was asked by the Fairfax County Health Department to pay \$40 to cover temporary food permits for each of the food vendors.

Supervisor Hyland said that because the Campagna Center was never asked to pay this permit for each restaurant in the past, the Center was not aware of this fee. The Campagna Center paid \$960 to the County of Fairfax to cover this for each restaurant and asked whether the Board would consider it for reimbursement of the \$960 since this is a fundraising event.

Accordingly, with concurrence of the County Attorney, Supervisor Hyland moved that the Board direct staff to reimburse the temporary food permit fees of \$960 to the Campagna Center. Supervisor McConnell seconded the motion and it carried by unanimous vote.

43. RECOGNITION OF MR. ROBERT B. BOXER FOR HIS SERVICE TO THE COUNTY (Tape 6)

Supervisor Hyland announced that Robert B. Boxer, Director, Construction Management Division, Department of Public Works and Environmental Services, is retiring after 26 years of service. Supervisor Hyland referred to his written Board Matters which outlined Mr. Boxer's County career.

Supervisor Hyland asked unanimous consent that the Board direct staff to invite Mr. Boxer to appear before the Board to be recognized for his 26 years of loyal and dedicated service with County. Without objection, it was so ordered.

44. RECOGNITION OF STAFF AND PARTNERS INVOLVED IN COMPUTER LEARNING CENTER (CLC) IN LORTON (MOUNT VERNON DISTRICT) (Tape 6)

Supervisor Hyland announced that on May 1, 2003, the Office of Partnerships celebrated the opening of its thirteenth CLC at the Lorton Community Action Center (LCAC).

Supervisor Hyland noted that the event and the opening of the CLC was highly successful through the collaborative efforts of the Office of Partnerships headed by Sandy Lowe; Molly Lynch, President of the Lorton Community Action Center; and its many partners.

Supervisor Hyland asked unanimous consent that the Board direct staff to invite Ms. Lowe, pertinent Office of Partnerships staff, Ms. Lynch, and the business partners responsible for the CLC at the LCAC Community Center to appear before the Board to be recognized for their accomplishments. Without objection, it was so ordered.

45. **RESOLUTIONS FROM THE MOUNT VERNON COUNCIL (MVCCA)**
(MOUNT VERNON DISTRICT) (Tape 6)

Supervisor Hyland said that the MVCCA approved two resolutions requesting support.

Supervisor Hyland said that one resolution reaffirmed the Council's support for three full lanes of traffic in each direction instead of the four in each direction proposed in the study.

The second resolution requested action to ensure that the Virginia Department of Transportation includes the MVCCA proposed designs for the grade separated interchanges at Buckman Road (North)/Route One/Route 235 and at the King's Crossing/Route One location in the final Route One Location Study drawings.

Therefore, Supervisor Hyland asked unanimous consent that the Board refer these issues to staff for review and recommendation. Without objection, it was so ordered.

46. **JOINT BOARD MATTER WITH SUPERVISOR MENDELSON TO**
OPPOSE CHANGES TO SLOT AND PERIMETER RULES AT RONALD
REAGAN WASHINGTON NATIONAL AIRPORT (Tape 6)

Jointly with Supervisor Mendelsohn, Supervisor Hyland said that Senator McCain once again reintroduced a bill (Senate Bill 824) which will impose changes on the slot and perimeter rules at Ronald Reagan Washington National Airport. All County residents will be adversely affected by this proposed change.

Supervisor Hyland said that the Metropolitan Washington Council of Governments (COG) has been the catalyst organization for coordinating regional issues such as air traffic and its impact on surrounding communities. An additional 24 slots, with 12 of those going beyond the perimeter, were added despite COG's objections. Now Senate Bill 824 proposes an additional 24 slots without any assessment done on its impacts. Conference language calls for the Department of Transportation to conduct a study comparing noise at the four Metropolitan Washington airports today as compared with ten years ago.

Furthermore, impacts on air quality are a significant factor in view of the Metropolitan Washington vicinity being named a "non-attainment" area. Additional flights in and out of National Airport would only exacerbate the situation.

Accordingly, Supervisor Hyland moved that the Board support communicating to Senator McCain and to the Congressional delegation the Board's unequivocal opposition to any increase or further alteration of the slot and perimeter rules at Ronald Reagan Washington National Airport as proposed by Senate Bill 824. Supervisor Kauffman seconded the motion.

Following discussion, Supervisor Mendelsohn asked to amend the motion to:

- Send a copy of the letter to Congressman Don Young from Alaska.
- Include in the letter a reminder that this airport opened more slowly than other airports following the attacks of September 11, 2001, and increasing these kinds of flights when it is still under greater security is ill advised.

This was accepted.

Following discussion, the question was called on the motion, as amended, and it carried by unanimous vote.

47. **IMPLEMENTATION OF AN AGREEMENT WITH LORTON ARTS FOUNDATION (LAF) (MOUNT VERNON DISTRICT)** (Tape 6)

Supervisor Hyland said that at the Board's last meeting, staff was asked to provide a timetable for implementing an agreement with LAF to develop an arts center at the Occoquan Workhouse. He said that included in his written Board Matter is a memorandum from the County Executive identifying a preliminary list of actions needed to further implementation of the LAF proposal, an anticipated timeline for processing the proposal, and a preliminary list of issues that need to be better understood.

To permit LAF to progress on its proposal, Supervisor Hyland moved that the Board:

- Authorize the LAF to file a rezoning application as its agent.
- Direct staff to develop a limited agent agreement for Board action at the next Board meeting on June 2, 2003, that sets forth the terms and conditions by which LAF may act as the Board's agent.

Supervisor Mendelsohn seconded the motion.

Following discussion, Chairman Hanley noted that her previous Board Matter requesting a timeline to be included in the Board Agenda had not yet been addressed.

Therefore, Chairman Hanley relinquished the Chair to Acting-Chairman McConnell and asked to amend the motion to direct staff to provide a response in the Board package about the timeline of what is to happen and when it will be completed, and this was accepted.

Following discussion, with input from Anthony H. Griffin, County Executive, Chairman Hanley asked to amend the motion that the Board:

- Direct staff to develop a limited agent agreement for Board action at the next Board meeting on June 2, 2003, that sets forth the terms and conditions by which LAF may act as the Board's agent.
- Authorize the LAF to file a rezoning application as its agent.

This was accepted.

Acting-Chairman McConnell returned the gavel to Chairman Hanley.

The question was called on the motion, as amended, and it carried by unanimous vote.

48. **AMENDMENT PROPOSED FOR WOODLAWN LITTLE LEAGUE FIELDS (MOUNT VERNON DISTRICT)** (Tape 6)

Supervisor Hyland said that after years of improving the ballfields owned by Fort Belvoir, the Woodlawn Little League, which serves not only children of County residents but also those of military personnel based at the post, the Little League was told that it would need to find other fields for its youth baseball teams.

Recently, an amendment to Senate Bill S.1050 proposed by Senator Allen, stipulates that the Secretary of the Army convey, without consideration, to Fairfax County, all right, title, and interest of the United States the property located along Pole Road in Alexandria, VA referred to as the John McNaughton Memorial Baseball Fields.

Accordingly, Supervisor Hyland moved that the Board support a communication to Senator Allen and the Congressional delegation be sent under the Chairman's signature strongly urging support of this Amendment to S.1050. Supervisor Connolly seconded the motion and it carried by unanimous vote.

AGENDA ITEMS

SBE:sbe

49. **3 P.M. – PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S02-II-V1, LOCATED SOUTHEAST OF THE FLINT HILL ROAD AND CHAIN BRIDGE ROAD INTERSECTION (PROVIDENCE DISTRICT)**
(Tape 7)

(NOTE: At its April 28, 2003, meeting the Board deferred the public hearing on this item until May 19, 2003.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 10 and April 17, 2003.

Following the public hearing, which included testimony by six speakers, Supervisor Connolly moved approval of Out-of-Turn Plan Amendment S02-II-V1, as recommended by staff, and as shown in the staff report found in Attachment One of the Board Agenda Item dated May 19, 2003. The recommended plan text indicates that infill development on parcels 28 and 32 should not provide vehicular access from Route 123 to Whitecedar Court. In addition this language indicates that there should be a pedestrian connection from Chain Bridge Road to Whitecedar Court. Chairman Hanley seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

50. **BOARD RECESS** (Tape 7)

At 3:25 p.m., the Board recessed briefly, and at 3:30 p.m., reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Gross, Supervisor McConnell, and Supervisor Mendelsohn, and with Chairman Hanley presiding.

ADDITIONAL BOARD MATTER

51. **WELCOME TO BOY SCOUT TROOP 1131 FROM BRADDOCK DISTRICT** (Tape 7)

Supervisor Frey and Supervisor Bulova recognized the presence of members of Boy Scout Troop 1131 from Braddock District. Chairman Hanley warmly welcomed Troop 1131 to the Board Auditorium and invited them to introduce themselves to the Board.

AGENDA ITEMS

52. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) REGARDING HOUSING FOR THE ELDERLY AND OTHER RELATED PROVISIONS** (Tape 7)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of May 1 and May 8, 2003.

Following the public hearing, which included testimony by one speaker, discussion ensued.

Supervisor Hudgins moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), revising the housing for the elderly special exception provisions and other related provisions, as recommended by the Planning Commission, with an effective date of 12:01 a.m., May 20, 2003, of Conversion I. Supervisor Mendelsohn seconded the motion.

Supervisor Connolly asked unanimous consent that the Board direct staff to continue to monitor the market regarding the housing for the elderly and the minimum age of 62 and to report its findings. Without objection, it was so ordered.

The question was called on the motion, which carried by a vote of eight, Supervisor Bulova, Supervisor Connolly, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Frey and Supervisor Hyland being out of the room.

53. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) REGARDING TEMPORARY CONSTRUCTION/CONTRACTOR SIGNS** (Tapes 7-8)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of May 1 and May 8, 2003.

Following the public hearing, discussion ensued with input from Eileen McLane, Deputy Zoning Administrator, Ordinance Administration Branch, Department of Planning and Zoning.

Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), to allow small temporary construction/contractor signs advertising home improvements to individual

dwelling units, as recommended by the Planning Commission, with changes as set forth in Attachment One of the Board Agenda item dated May 19, 2003, and with an effective date of 12:01 a.m., May 20, 2003. Supervisor Hyland seconded the motion.

Supervisor Kauffman moved to amend the motion to limit this to the residential work, not work in commercial areas. This motion died for lack of a second.

Supervisor Gross moved that this entire issue be remanded to staff for modification that reflects some of the discussion that ensued among the Board, with decision deferred until June 2, 2003. Supervisor Mendelsohn seconded the motion and it carried by a vote of nine, Supervisor Bulova being out of the room.

54. **3:30 P.M. – PH ON A PROPOSAL TO VACATE AND ABANDON ROADWAYS IN THE DIXCENGATO AREA (SPRINGFIELD DISTRICT)**
(Tape 8)

The Board deferred this public hearing until later in the meeting.

(NOTE: Later in the meeting action was taken on this item. See Clerk's Summary Item CL#56.)

55. **4 P.M. – PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S02-II-F1, FOR MONUMENT PLACE (SPRINGFIELD DISTRICT)**
(Tape 8)

The subject property is located on the northeast corner of Monument Drive and Fair Lakes Parkway.

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of May 1 and May 8, 2003.

Following the public hearing, which included testimony by one speaker, Supervisor McConnell moved approval of Out-of-Turn Plan Amendment S02-II-F1 as recommended by the Planning Commission. The subject property is Tax Map 46-3 ((1)) 36E, which is found in the northeast quadrant of the intersection of Monument Drive and Fair Lakes Parkway in the Fairfax Center area. The site located in sub-unit J2 is currently planned for office mixed-use for 1.0 FAR at the overlay level. Supervisor Connolly seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Frey, and Supervisor Mendelsohn being out of the room.

56. **3:30 P.M. – PH ON A PROPOSAL TO VACATE AND ABANDON ROADWAYS IN THE DIXCENGATO AREA (SPRINGFIELD DISTRICT)**
(Tape 8)

(O's) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of May 1 and May 8, 2003.

Following the public hearing, Supervisor McConnell moved adoption of the following:

- Ordinance vacating segments of the following roadways:
 - Legato Road (Route 656)
 - Deljo Drive (Route 6591)
 - Deming Drive (Route 3211)
 - Quality Street (Route 3210)
 - Dixie Hill Road (Route 1579)
 - Ruffin Drive (Route 4441)
 - Rhett Lane (Route 4443)
 - Butler Drive (Route 4442)
- Order abandoning segments of the above roadways.

Supervisor Hudgins seconded the motion and it carried by a vote of seven, Supervisor Connolly, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, and Chairman Hanley voting “AYE,” Supervisor Bulova, Supervisor Frey, and Supervisor Mendelsohn being out of the room.

57. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 68.1 (INDIVIDUAL SEWAGE DISPOSAL FACILITIES)** (Tape 8)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that news paper in the issues of May 1 and May 8, 2003.

Following the staff presentation by Glenn L. Smith, staff, Division of Environmental Health, Health Department, and discussion, Supervisor Connolly

moved to defer the public hearing on proposed amendments to the Code of the County of Fairfax, Chapter 68.1 (Individual Sewage Disposal Facilities) until July 7, 2003, so it can be re-advertised because of an error. This motion, the second to which was inaudible, carried by a vote of seven, Supervisor Kauffman, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

58. **4 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF POHICK SANITARY SEWER TRUNK LINE (MOUNT VERNON DISTRICT)** (Tape 8)

- (R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of May 1 and May 8, 2003.

Following the public hearing, Supervisor Hyland moved adoption of the Resolution authorizing the acquisition of certain land rights necessary for the construction of the Pohick Sanitary Sewer Trunk Line as part of Project X00906, Sewer Line Enlargement in Fund 402, Sewer Construction Improvements. Supervisor Connolly seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Hyland, Supervisor Kauffman, and Chairman Hanley voting “AYE,” Supervisor Gross, Supervisor Hudgins, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

59. **4 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 02-IV-4MV, LOCATED ALONG FOLEY STREET AND HUNTING CREEK ROAD (MOUNT VERNON DISTRICT)** (Tape 8)

The subject property is located north of Huntington Avenue and along Foley Street and Hunting Creek Road, Tax Map Number 83-1 ((1)) 1–4, 83-1 ((1)) 56–58, 63–65, 67–74, 76, 76A, 77–80, 82, 83, 85, 83-3 ((1)) 93–99.

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of May 1 and May 8, 2003.

Following the public hearing, which included testimony by three speakers, Supervisor Hyland moved approval of Out-of-Turn Plan Amendment 02-IV-4MV located along Foley Street and Hunting Creek Road, Mount Vernon District, as recommended by the Planning Commission and shown in Attachment III of a Board Agenda Item dated May 19, 2003.

Supervisor Kauffman seconded the motion and it carried by a vote of six, Supervisor Connolly, Supervisor Hudgins, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

60. **4:30 P.M. – PH ON PROPOSED TRANSPORTATION ENHANCEMENT PROGRAM PROJECTS** (Tapes 8-9)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of May 1 and May 8, 2003.

Following the staff presentation by Thomas Biesiadny, Chief, Coordination and Funding, Department of Transportation, discussion ensued.

Following the testimony presented by six speakers, Chairman Hanley closed the public hearing and stated that the record would remain open until May 23, 2003, for the submission of projects with an identified funding match. She announced that persons with projects should contact Mr. Biesiadny.

61. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING AFFORDABLE DWELLING UNITS IN MID-RISE MULTIPLE FAMILY DWELLINGS** (Tapes 9-10)

(O) (NOTE: At its February 24, 2002, meeting the Board deferred the public hearing on this item until April 28, 2003. At its April 28, 2003, meeting the Board deferred the public hearing on this item until May 19, 2003.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 6 and February 13, 2003.

Following the public hearing, which included testimony by 15 speakers, and discussion, Supervisor Hudgins moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), as recommended by the Planning Commission, with one minor additional change to accommodate revisions set forth in the proposed Zoning Ordinance amendment for housing for the elderly. Supervisor Connolly seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE."

Supervisor Hudgins moved that the Board direct staff to review the issues that were raised regarding high rises and other issues that were raised during the public hearing and direct the task force to continue to address these issues. Supervisor Hudgins further moved that the Board direct staff to include members from the Fairfax County Redevelopment and Housing Authority on the task force, because part of its strategic plan is to be actively involved in the task force. Supervisor Kauffman seconded the motion and it carried by unanimous vote.

62. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 101 (SUBDIVISION ORDINANCE), CHAPTER 104 (EROSION AND SEDIMENTATION CONTROL), CHAPTER 112 (ZONING ORDINANCE), CHAPTER 118 (CHESAPEAKE BAY PRESERVATION ORDINANCE), AND TO THE PUBLIC FACILITIES MANUAL (PFM) REGARDING IMPLEMENTATION OF REVISIONS TO THE CHESAPEAKE BAY PRESERVATION AREA DESIGNATION AND MANAGEMENT REGULATIONS (9 VAC 10-20 ET SEQ.) (Tapes 10-12)**

(NOTE: At its January 27, 2003, meeting the Board deferred the public hearing on this item until March 24, 2003. It was moved to the Board meeting scheduled for April 28, 2003. At its April 28, 2003, meeting the Board deferred the public hearing on this item until May 19, 2003.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of May 1 and May 8, 2003.

Following the staff presentation by John Friedman, Engineer III, Site Development Services, Department of Public Works and Environmental Services (DPWES), discussion ensued.

Following the testimony of John Debell, Speaker Two, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct the County Attorney to provide the Board with information addressing the issue of "vesting" in the ordinance. Following discussion, with input from David P. Bobzien, County Attorney; and Mr. Friedman, without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Following the testimony of Thomas D. Fleury, Speaker 13, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to report with an answer as to how much of Arlington is defined as an Intensely Developed Area (IDA). Without objection, it was so ordered.

Followed the testimony of Patrick Kessler, Speaker 15, Chairman Hanley asked unanimous consent that the Board direct staff to provide answers to Mr. Kessler's questions regarding the effective date and the definition of an "approved plan." Without objection, it was so ordered.

Following the testimony of Pete Rigby, Speaker 16, Chairman Hanley asked unanimous consent that the Board direct the County Attorney to revisit the language regarding "vesting" that reads "aggravate conflicts shall mean to create any new or additional non-compliance with an amended ordinance such as

increasing the impervious area or disturbance in the RPA" and provide a response. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Following the public hearing, which included testimony by 20 speakers and discussion with input from Mr. Friedman; Matthew Meyers, staff, Stormwater Planning Division, DPWES; Pamela K. Pelto, Assistant County Attorney; and David P. Bobzien, County Attorney; Supervisor Mendelsohn moved to:

- Defer decision on proposed amendments to the Code of the County of Fairfax, Chapter 101 (Subdivision Ordinance), Chapter 104 (Erosion and Sedimentation Control), Chapter 112 (Zoning Ordinance), Chapter 118 (Chesapeake Bay Preservation Ordinance), and to the Public Facilities Manual (PFM) regarding implementation of revisions to the Chesapeake Bay Preservation Area Designation and Management Regulations (9 VAC 10-20 ET SEQ) until **June 2, 2003, at 3:30 p.m.**
- Keep the public record open until that time.

Supervisor Gross seconded the motion.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked to amend the motion to direct staff to provide information on the following:

- Vesting and grandfathering, and the differences between the two.
- The advantage and disadvantage of addressing vesting in the ordinance or having a separate Policy on it.
- The definition of "approval."
- Specifically on the above-referenced topics and the implementation issues, except in expansion of stream, how this differs from the existing ordinance.
- A review of the issue of notification, with the provision of cost estimates for both providing notifications as were done for the previous Chesapeake Bay amendment or providing notifications using the Area Plans Review procedure.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Following a brief discussion, Supervisor Gross asked to amend the motion to also:

- Refer the letter from Michael Rolband, President, Wetland Solutions, Incorporated, to staff for a response regarding the whole

issue, especially the use of the terms "water bodies," rather than streams.

- Direct staff to provide more information on IDAs and whether other areas in the County would meet the criteria for an IDA.

These amendments were accepted.

In reference to the assertion that the County's ordinance significantly exceeds the State's minimum and the only specific item pointed out was the difference of the width of the stream, Supervisor Frey asked to amend the motion to direct staff to enumerate anything related to the code amendments that exceeds the State's required minimum. Following input from Mr. Friedman, this was accepted.

With reference to the only items that are not subject to appeal by any aggrieved party being "administrative waivers and determinations by the Director," and the three bulleted items listed on page 98 of the Board Agenda regarding minor additions to existing principal structures, Supervisor Kauffman asked to amend the motion to direct staff to specifically explain those items that are "administrative waivers and determinations by the Director."

Following input from Mr. Friedman, this was accepted.

With reference to the map provided to the Board, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked to amend the motion to direct staff to explain what the blue-colored area indicated at the corner of I-495 (the Beltway) and I-66 in Tax Map 49-2. This was accepted.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

The question was called on the motion, as amended, and it carried by a vote of nine, Supervisor McConnell being out of the room.

63. **BOARD ADJOURNMENT** (Tape 12)

At 8:45 p.m., the Board adjourned.

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